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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,828	11/12/2003	Joseph P. Bigus	YOR920030510US1	8826
7590 09/15/2008 Moser, Patterson & Sheridan Suite 100 595 Shrewsbury Avenue Shrewsbury, NJ 07702				
			EXAMINER	
			CHEN, QING	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/712,828

**Applicant(s)**

BIGUS, JOSEPH P.

**Examiner**

Qing Chen

**Art Unit**

2191

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-9,11-13 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-13 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office action is in response to the RCE filed on June 23, 2008.
2. **Claims 1, 2, 4-9, 11-13, and 32** are pending.
3. **Claims 1 and 4-7** have been amended.
4. **Claims 3, 10, and 14-31** have been cancelled.
5. **Claim 32** has been added.
6. The objection to the specification due to the use of trademarks is withdrawn in view of Applicant's amendments to the specification.

***Response to Amendment***

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 2, 4-9, 11-13, and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,868,413 (hereinafter "**Grindrod**") in view of US 6,590,589 (hereinafter "**Sluiman**").

As per **Claim 1**, Grindrod discloses:

- designating a customizable element of a set as a customizable template (*see Column 8: 27-37, "Preferably for each condition, two expressions 242, 244 and a comparison operator 246 for comparing values of the two expressions as well as a logical operator 248 for allowing grouping of conditions may be specified. The two expressions 240, 242 may be created by the administrator using an expression builder ..."*);
- compiling said customizable element into at least one object to form a ruleset (*see Column 14: 25-27, "... XML is generated from data regarding the new or modified business rule as entered or modified via the user interfaces."*; *Column 20: 50-53, "Examples of computer or program code include machine code, as produced, for example, by a compiler, or files containing higher level code that may be executed using an interpreter."*);
- parsing said set to detect said customizable element designated as a customizable template (*see Figure 4: 232 and 234; Column 8: 44-57, "The business logic application preferably processes each condition line by line beginning with the first condition specified in the user interface 230." and "... the business logic application evaluates the first condition 232 to determine if the transaction data for state is equal to C. If the first condition 232 is met, then the business logic application proceeds to evaluate the second condition 234."*); and
- enabling a customization of said rule-based application in a deployment environment (*see Column 2: 5-9, "Thus, what is needed is a system and method that facilitate customizing an off-the-shelf business process automation software system to fulfill specific requirements of a specific business process for a specific organization while providing a user friendly interface."*; *Column 7: 7-16, "The business rules management console user interface 200 is typically the starting point for an administrator of the customizable business logic application administrator.*

*The business rules management console 200 facilitates management of the business rules application and allows the administrator or end user to create and/or modify business rules in order to customize business processes.” and 39-44, “In particular, FIGS. 3-6 are exemplary user interfaces 220, 230, 250, and 270 for entering or modifying and displaying general information, conditions, actions, and schedule, respectively, regarding a new business rule or an existing business rule selected via, for example, the business rules manager.”; Column 19: 41-56, “Although not expressly shown, the business rule process 700 also includes a runtime verification process. In particular, the runtime verification process checks that correct data types are being compared and assigned and checks for errors in conversion of data types, handling module and module parameter related errors, and elements of expressions that may not be available in various situations.”).*

However, Grindrod does not disclose:

- the customizable element being selected by an end-user.

Sluiman discloses:

- the customizable element being selected by an end-user (see Column 4: 60-64, “In the example of FIG. 3, a “Name” attribute 72 is shown highlighted. Box 74 in FIG. 3 is displayed by macro list generator 16 to permit the user to define the name attribute as being customizable by future applications to be built on the template of the example.”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sluiman into the teaching of Grindrod to include the customizable element being selected by an end-user. The modification would be obvious because one of ordinary skill in the art would be motivated to allow different

customization options to be defined for the same template, allowing different potential users to make differing versions of the template (see Shuiman – Column 10: 53-56).

As per **Claim 2**, the rejection of **Claim 1** is incorporated; and Grindrod further discloses:

- wherein said set comprises a ruleset (see Figure 2; Column 7: 8-16, “The business rules management console 200 facilitates management of the business rules application and allows the administrator or end user to create and/or modify business rules in order to customize business processes.”).

As per **Claim 4**, the rejection of **Claim 1** is incorporated; and Grindrod further discloses:

- customizing said customizable element (see Column 11: 41-48, “The following are examples of expressions in which symbols are designated with braces characters {}. Examples of expressions include: Hello, the time is {TIME}. The Help Desk Ticket {TR, Problem No.} was created in response to your request on {DATE} at {TIME}. {DB, Clients, Client ID, “Sequence”=1221} ...”).

As per **Claim 5**, the rejection of **Claim 1** is incorporated; and Grindrod further discloses:

- wherein said customizable element comprises a variable (see Column 11: 49-55, “... symbols may represent various types of data such as ... system environmental variables ...”).

As per **Claim 6**, the rejection of **Claim 1** is incorporated; and Grindrod further discloses:

- wherein said customizable element comprises a rule (*see Column 11: 49-55, "... symbols may represent various types of data such as ... business rules templates ..."*).

As per **Claim 7**, the rejection of **Claim 1** is incorporated; and Grindrod further discloses:

- wherein said customizable element comprises a ruleset (*see Column 11: 49-55, "... symbols may represent various types of data such as ... business rules templates ..."*).

As per **Claim 8**, the rejection of **Claim 1** is incorporated; and Grindrod further discloses:

- designating a ruleset of said set as a customizable ruleset template (*see Column 12: 41-44, "Preferably, business rules templates are provided. Business rules templates are predefined and reusable text items that can be defined, stored, and reused by various business rules."*).

As per **Claim 9**, the rejection of **Claim 8** is incorporated; and Grindrod further discloses:

- generating a customized ruleset from the customizable ruleset template (*see Column 12: 41-44, "Preferably, business rules templates are provided. Business rules templates are predefined and reusable text items that can be defined, stored, and reused by various business rules."* and 48-49, "Templates allow the same string of text to be re-used by multiple business rules.").

As per **Claim 11**, the rejection of **Claim 1** is incorporated; and Grindrod further discloses:

- enabling customization in a development environment (*see Column 7: 39-44, “In particular, FIGS. 3-6 are exemplary user interfaces 220, 230, 250, and 270 for entering or modifying and displaying general information, conditions, actions, and schedule, respectively, regarding a new business rule or an existing business rule selected via, for example, the business rules manager.”*).

As per **Claim 12**, the rejection of **Claim 1** is incorporated; and Grindrod further discloses:

- re-editing a previously generated rule (*see Column 7: 30-32, “From the business rules management console 200, the administrator may elect to create, modify, or delete a business logic rule.”*).

As per **Claim 13**, the rejection of **Claim 1** is incorporated; and Grindrod further discloses:

- wherein a new ruleset is generated from a customizable ruleset template, and a pre-existing customizable rule template is associated with said new ruleset and is unchanged (*see Column 12: 41-44, “Preferably, business rules templates are provided. Business rules templates are predefined and reusable text items that can be defined, stored, and reused by various business rules.” and 48-49, “Templates allow the same string of text to be re-used by multiple business rules.”*).

As per **Claim 32**, Grindrod discloses:



- designating a customizable element of a set as a customizable template, where the customizable element is one of: a variable, a rule, or a ruleset (see Column 8: 27-37, “Preferably for each condition, two expressions 242, 244 and a comparison operator 246 for comparing values of the two expressions as well as a logical operator 248 for allowing grouping of conditions may be specified. The two expressions 240, 242 may be created by the administrator using an expression builder ...”; Column 11: 49-55, “... symbols may represent various types of data such as ... system environmental variables ...”);

- compiling said customizable element into at least one object to form a ruleset (see Column 14: 25-27, “... XML is generated from data regarding the new or modified business rule as entered or modified via the user interfaces.”; Column 20: 50-53, “Examples of computer or program code include machine code, as produced, for example, by a compiler, or files containing higher level code that may be executed using an interpreter.”);

- parsing said set to detect said customizable element designated as a customizable template (see Figure 4: 232 and 234; Column 8: 44-57, “The business logic application preferably processes each condition line by line beginning with the first condition specified in the user interface 230.” and “... the business logic application evaluates the first condition 232 to determine if the transaction data for state is equal to C. If the first condition 232 is met, then the business logic application proceeds to evaluate the second condition 234.”);

- enabling customization of said rule-based application in a deployment environment (see Column 2: 5-9, “Thus, what is needed is a system and method that facilitate customizing an off-the-shelf business process automation software system to fulfill specific requirements of a specific business process for a specific organization while providing a user friendly interface.”);

*Column 7: 7-16, "The business rules management console user interface 200 is typically the starting point for an administrator of the customizable business logic application administrator. The business rules management console 200 facilitates management of the business rules application and allows the administrator or end user to create and/or modify business rules in order to customize business processes." and 39-44, "In particular, FIGS. 3-6 are exemplary user interfaces 220, 230, 250, and 270 for entering or modifying and displaying general information, conditions, actions, and schedule, respectively, regarding a new business rule or an existing business rule selected via, for example, the business rules manager."; Column 19: 41-56, "Although not expressly shown, the business rule process 700 also includes a runtime verification process. In particular, the runtime verification process checks that correct data types are being compared and assigned and checks for errors in conversion of data types, handling module and module parameter related errors, and elements of expressions that may not be available in various situations."); and*

- customizing said customizable element is said deployment environment, where said customizing comprises generating a new ruleset from a customizable ruleset template, and where a pre-existing customizable rule template is associated with said new ruleset and is unchanged (see *Column 11: 41-48, "The following are examples of expressions in which symbols are designated with braces characters {}. Examples of expressions include: Hello, the time is {TIME}. The Help Desk Ticket {TR, Problem No.} was created in response to your request on {DATE} at {TIME}. {DB, Clients, Client ID, "Sequence"=1221} ..."; Column 12: 41-44, "Preferably, business rules templates are provided. Business rules templates are predefined and*

*reusable text items that can be defined, stored, and reused by various business rules.” and 48-49, “Templates allow the same string of text to be re-used by multiple business rules.”).*

However, Grindrod does not disclose:

- the customizable element being selected by an end-user.

Sluiman discloses:

- the customizable element being selected by an end-user (*see Column 4: 60-64, “In the example of FIG. 3, a “Name” attribute 72 is shown highlighted. Box 74 in FIG. 3 is displayed by macro list generator 16 to permit the user to define the name attribute as being customizable by future applications to be built on the template of the example.”).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sluiman into the teaching of Grindrod to include the customizable element being selected by an end-user. The modification would be obvious because one of ordinary skill in the art would be motivated to allow different customization options to be defined for the same template, allowing different potential users to make differing versions of the template (*see Sluiman – Column 10: 53-56).*

### ***Response to Arguments***

9. Applicant’s arguments filed on June 23, 2008 have been fully considered, but they are not persuasive.

***In the Remarks, Applicant argues:***

a) By contrast, the cited portions of Grindrod at most teach that business rules may be customized at design time. In other words, Grindrod teaches a method for customizing business rules prior to use in a deployment environment. For instance, Grindrod teaches that a customized business rule is preferably not enabled "until all requisite information has been defined" (Grindrod, column 10, lines 27-31). This would seem to suggest that a business rule cannot be altered or customized while it is enabled (i.e., deployed in a runtime environment).

The portion of Grindrod that the Examiner cites to illustrate the teaching of customization in a deployment or run-time environment (i.e., column 7, lines 39-44) merely describes various user interfaces for authoring business rules. This passage says nothing about using these user interfaces to customize business rules in a deployment environment. Moreover, nowhere else in Grindrod is it taught or suggested that customization of a business rule is enabled in a deployment environment, as recited in Applicants' independent claim 1.

***Examiner's response:***

a) Examiner disagrees. Applicant's arguments are not persuasive for at least the following reasons:

First, with respect to the Applicant's assertion that Grindrod fails to disclose the limitation of "enabling a customization of said rule-based application in a deployment environment," the Examiner respectfully submits that Grindrod clearly discloses "enabling a customization of said rule-based application in a deployment environment" (*see Column 2: 5-9, "Thus, what is needed is a system and method that facilitate customizing an off-the-shelf business process automation software system to fulfill specific requirements of a specific*

*business process for a specific organization while providing a user friendly interface.”; Column 7: 7-16, “The business rules management console user interface 200 is typically the starting point for an administrator of the customizable business logic application administrator. The business rules management console 200 facilitates management of the business rules application and allows the administrator or end user to create and/or modify business rules in order to customize business processes.” and 39-44, “In particular, FIGS. 3-6 are exemplary user interfaces 220, 230, 250, and 270 for entering or modifying and displaying general information, conditions, actions, and schedule, respectively, regarding a new business rule or an existing business rule selected via, for example, the business rules manager.”; Column 19: 41-56, “Although not expressly shown, the business rule process 700 also includes a runtime verification process. In particular, the runtime verification process checks that correct data types are being compared and assigned and checks for errors in conversion of data types, handling module and module parameter related errors, and elements of expressions that may not be available in various situations.”).* First, note that Grindrod’s invention is directed to systems and methods for customizing business logic rules within an off-the-shelf business process automation system and for processing business logic rules in the off-the-shelf business process automation system. As the Applicant is likely aware, an off-the-shelf business process automation software is utilized in a deployment environment. Second, further note that the various user interfaces (Figures 3-6) of the business rules management console allow an administrator or an end user to create and/or modify business rules in order to customize business processes. The business rules management console operates in a deployment environment to facilitate management of the business rules application since the business rules management console is a separate software

program deployed in the administrator/end user's environment. Third, further note that Grindrod also discloses that the business rule creating/modifying process includes a runtime verification process. This clearly indicates that a runtime (deployment) environment is involved in the customization of the business rules.

Second, with respect to the Applicant's assertion that a business rule of Grindrod cannot be altered or customized while it is enabled (*i.e.*, deployed in a runtime environment) by citing column 10, lines 27-31, the Examiner would like to point out that the portion of Grindrod cited by the Applicant describes not enabling a business rule until all requisite information has been defined during specification of when the business rule is to run. Applicant has read the passage out of context and thus, it does not suggest that a business rule cannot be altered or customized while it is enabled (*i.e.*, deployed in a runtime environment) as averred by the Applicant.

Therefore, for at least the reasons set forth above, the rejection made under 35 U.S.C. § 103(a) with respect to Claim 1 is proper and therefore, maintained.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/QC/  
August 30, 2008

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191